

HOUSE BILL 1744

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 4; Title 54; Title 67 and Title 68, relative to the creation of the "Tennessee Open Fuel Standard Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 4 of this act as a new chapter.

SECTION 2. This chapter shall be known as the "Tennessee Open Fuel Standard Act".

SECTION 3. As used in this chapter:

(1) "American Society for Testing and Materials (ASTM)" means the national scientific and technical organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge;

(2) "ASTM 5798" means the standard specification for fuel ethanol (Ed75-Ed85) for automotive spark-ignition engines;

(3) "ASTM D5797" means the standard specification for fuel methanol (M70-M85) for automotive spark-ignition engines;

(4) "ASTM D6751-03" means the standard specification for biodiesel fuel (B100) blend stock for distillate fuels;

(5) "Biodiesel" means diesel fuel which has been produced from a non-petroleum feedstock and which meets the standards of ASTM D6751-03;

(6) "Commissioner" means the commissioner of environment and conservation or the commissioner's duly authorized representative;

(7) "Covered vehicle" means a passenger automobile, and includes a light-duty motor vehicle;

(8) "Department" means the department of environment and conservation;

(9) "E85" means a fuel mixture containing up to eighty-five percent (85%) ethanol and meets the standards of ASTM D5798;

(10) "Flexible fuel vehicle" means a vehicle that has been warranted by its manufacturer to operate on gasoline, E85, and M85;

(11) "Light-duty vehicle" means a light-duty truck or light-duty vehicle as such terms are defined in Section 216(7) of the Clean Air Act (42 U.S.C. 7550(7)) of less than or equal to eight thousand five hundred pounds (8,500 lbs.) gross vehicle weight rating;

(12) "M85" means a fuel mixture containing up to eighty-five percent (85%) methanol that meets the standards of ASTM D5797;

(13) "Plug-in electric drive vehicle" has the meaning given such term in section 508(a)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)(5)); and

(14) "Qualified vehicle" means a covered vehicle that:

(A) Has been warranted by its manufacturer to operate on natural gas, hydrogen, or biodiesel;

(B) Is a flexible fuel vehicle which, in the case of alcohol burning capability, includes activating the vehicle's onboard computer to the "on" position for dual fuel capability;

(C) Is a plug-in electric drive vehicle;

(D) Is propelled solely by fuel cell that produces power without the use of petroleum or a petroleum-based fuel; or

(E) Is propelled solely by something other than an internal combustion engine, and produces power without the use of petroleum or a petroleum-based fuel.

SECTION 4.

(a) Except as provided in subsection (b), each manufacturer's fleet of covered vehicles for a particular model year shall be comprised of not less than eighty percent (80%) qualified vehicles beginning in model year 2015;

(b)

(1) A manufacturer may request an exemption from the requirements of subsection (a) by submitting an application to the department, at such time, in such manner, and containing such information as the department may require by rule. Each application shall specify the models, lines, and types of automobiles affected.

(2) After evaluating an application received from a manufacturer, the department may at any time, under such terms and conditions, and to such extent as the department considers appropriate, temporarily exempt, or renew the exemption of, a light-duty motor-vehicle from the requirements of subsection (a) if the department determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of qualified automobiles, including:

(A) A disruption in the supply of any component required for compliance with the rules; or

(B) A disruption in the use and installation by the manufacturer of such component.

(3) The department may consolidate applications received from multiple manufacturers under subdivision (b)(2)(A) if they are of a similar nature.

(4) Any exemption granted under subdivision (b)(2) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the department after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

(5) The department shall prominently display on its web site the:

(A) Notice of each application received from a manufacturer;

(B) Notice of each decision to grant or deny a temporary exemption; and

(C) The reasons for granting or denying such exemptions.

(c) The commissioner shall promulgate rules and regulations to effectuate the purposes of this chapter. The rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.